



Several Laws and Orders made at the  
**G E N E R A L C O U R T**

Holden at Boston the 15th. of May

1 6 7 2.

And Printed by their Order.

Edward Rawson Secr.

JURIES VERDICT.



His Court being desirous to prevent all Dissatisfaction and Inconveniencies that may arise in the Tryal of Civil Cases in Inferiour Courts, sometimes happening by reason of Disagreement between the Bench and Jury formerly allowed by Law;

Do Order and Enact; That henceforth in all County Courts, after that the Bench have used all reasonable endeavours for clearing the case to the Jury, by declaring the Law, and comparing the matter of Fact and Damage proved therewith, the Verdict of the Jury finally given, shall be accepted, and Judgement accordingly Entred: And in like manner shall the proceeding be in the Court of Assistants, unless upon apparent corruption or error in the Jury giving in their Verdict contrary to Law or Evidence, the party cast shall in open Court Attaint the Jury, and give sufficient Bond and Sureties within twelve hours after the Verdict is accepted, to prosecute the said Jury at the next Court of Assistants, in an Action of Attaint, in which Case Execution shall be respited, and the Clerk of that Court shall Summon a Jury of twenty four Able and Discreet men chosen as the Law Directs, to attend the service of the Court where the said Action of Attaint shall be tryed in the first place, and if on tryall of the case, there shall be found manifest Error or Mistake, the party Complayning shall be Repayed his full damage from the other party

Juries Verdict  
 to be Read and  
 not refused.

Plaintiff and De-  
 fendants liberty  
 to Attaint the  
 Jury in case.

Juries attainted  
how Tried.

to the Original Suit and if by the said Jury of twenty four, there be found Bribery, Conspiracie, or other Corruption, in the Jury attainted, they shall be punished by *Fine or Imprisonment*, proportionable to the degree of their Offence; And if otherwise, the twenty four Jurors shall acquit the former Jurors accused, they shall be allowed double Costs from the party accusing, and their Verdict and the Judgement of the former Court shall stand good, and execution shall be Issued forth accordingly; And that Clause in the Law, allowing the Magistrates not to Concur with, or refuse the Verdict of the Jury is hereby Repealed.

### SURETIES.

Where Bonds  
are forfeited the  
Case to proceed.

Execution to  
Issue out against  
Sureties

**F**Or Explanation of, and Addition to the Law tit. Sureties and goods Attached, where it is provided that Sureties as well as Principalls shall be Responsible for one month to pay the Debt, unless he or they Surrender the Principal into the hands of the Marshall or Deputy, but no way provided in the said Law how the Sureties may be compelled thereunto;

It is therefore Ordered, and hereby Declared, That in such Case the Party and Sureties being called and the Bond declared forfeited upon non-appearance, the Case shall proceed to hearing, and Judgement at the same Court, as in case of the Defendants non-appearance upon Attachment of Goods: And if the Case be found for the Plaintiff, that Judgement be granted against him and his Sureties, and Execution be Issued out accordingly, and to be in force against the Sureties as well as the Principall, for one month after Judgement given, as the said Law Intends.

### No strong Liquor to Workmen.

Law prohibiting  
Wine or strong  
Liquors to work  
men.

**W**Hereas there have been sundry and frequent complaints preferred to this Court, of Oppression by Excessive wages of Workmen and Labourers, which notwithstanding the endeavours of this Court to redress, such oppressions continue and further increase, by a dangerous Imposition of such persons on those they work and labour for, by demanding an allowance of Liquors or wine every day over and above their wages, without which it is found by too sad experience many refuse to work; Now forasmuch as such a practice of drinking liquors and wine, tends much to the rooting young persons in an evil practice, and by degrees to trayne them up to an habit of excess;

It is therefore Ordered by this Court and by the Authority thereof, and be it hereby Enacted; That if any person or persons after the publication hereof, shall give wine or strong liquors to any workmen or boyes that work with them, except in cases of necessity, shall pay *twenty shillings* for every such Offence.

This

## M I L I T A R Y.

**T**His Court taking into thir serious Consideration the weight and necessity that lyeth on them, to see that all Souldiers, (especially at such a season as this) should be fitted with Armes, and well skilled to use them; And because the welfare of each Military Troop and foot Company, both in their being provided with, and knowledge of their use of Armes, lyeth very much in the Clerk of each Companies carefull and faithfull observation and execution of his Office, in the seasonable and due levying of such Fines as are by Law due for defects, the neglect whereof too sad experience sheweth, hath done very great hurt in many Companies, for preventing such Inconveniencies for the Future;

This Court doth Order, That what Fines shall be due according to Law from any Souldier for defect, in either Armes or Traynings, which the Clerk or Clerks of the said Troop or Company shall not leavie and gather into his hands, within one Moneth after the Training day on which the said defect is made, it shall be in the power of the Captain or chief Officer of that Troop or Foot Company to send the Marshal or Constable with an Execution, and leavie the said Fines upon the Estate of any such Clerk or Clerks so defective, unless the said Clerk can make it appear to the Captain, that he or they have been hindred either by sickness or the absence of the person delinquent being out of Town.

And it is further Ordered; That the Clerk or Clerks of every Military Troop or Company shall once in six Moneths render a particular account to the Captain or chief Officer, of all such fines as are leavied by the said Clerk, that the same may be disposed of for the good of the Company according to Law.

Souldiers fines to be gathered by the Clerk of Troops or Foot Companies within a moneth or to be leavied on themselves

**T**His Court considering our own state as to Fortification, how that our Forts and Artillery belonging to the Country, both in this Town of Boston, Charlestown, Salem and Marblehead do need much to repair them, that they may be fit for service if God should call thereunto;

Do therefore Order; That each of the Towns above mentioned shall be allowed what they are Rated to the Country-Rate for this next year, for, and towards the finishing and repairing the several Forts there, and that each of their Rates be committed into the hands of the Committee of Militia in each of the aforesaid Towns, by them speedily to be improved for the use aforesaid.

Further allowance to Boston, Charlestown, Salem and Marblehead for Fortification

**V**Hereas divers Souldiers, who by Law are commanded to attend Military Exercise upon Training dayes in the Towns where they live, not having any visible Estate wheron the Clerk of of the Company unto which they do belong can leavie the fine due by Law, when they are delinquent either in Arms or Trainings, so often neglect the duty in both keeping Arms and Trainings, and do thereupon carry it boldly and provokingly, to the Clerk and other officers; For prevention whereof:

It is Ordered by this Court and the Authority thereof; That it shall

Souldiers neglect  
of Arms & train-  
ing with their  
Contempt of Of-  
ficers how puni-  
shed

be in the power of the Commission Officers of each Company, or such of them as are present at the next Training day after such offence is committed, to punish such person offending as aforesaid, who hath not satisfied the Clerk according to Law, by any Military punishment according to the aggravation of the Crime, by either Riding the Wooden Horse, or by Bilboes,, or lying Neck and Heels, or acknowledgement at the Head of the Company, or any punishment according to Military Discipline, at the Discretion of the Commission Officer or Officers present.

And in case any such Delinquent shall absent himself from Training two dayes together, that then it shall be in the power of the chief Officers, and they are hereby enjoyned by Warrant directed to the Constable of that Town, to convent such Offender before him, and to proceed with him as in this Order is provided, and all Constables are hereby Ordered to attend their duty herein.

#### Book-Debts.

**W** Hereas by the Law made May 1669 respecting Book-debts; It is Declared, that all Book-Debts shall be cleared within three years, as is therein expressed, after which time no Book-Debt shall be pleadable in any Court: Upon a general complaint, that the said Law will prove to the real detriment of very many of our Inhabitants, and the utter unavailing of same if a greater number of years be not allowed to shut up Accompts;

Three years fur-  
ther added rela-  
ting to Book-  
debts

It is therefore Ordered, and is hereby Declared; That there shall be three years more added for the advantage of Debtors and Creditors to issue their Accompts, that all grounds of complaint in this kinde may be removed.

#### B U R G L A R Y.

**W** Hereas in the Law tit. Burglary, it is expressed if any person shall commit Burglary by breaking open any Dwelling House;

Addition to the  
Law tit. Bur-  
glary

It is Ordered by this Court and the Authority thereof, as an Addition to that Law; That if any person shall break up any Ware-house, Shop, Mill, Malt house, Barn or Out-house, or any Vessel on any Shoar, or in any Cove, Creek, or upon the Water, such person so offending, shall be punished as the Law provides in case of breaking up Dwelling houses.

Leather.



## H I D E S.

**W** Hereas the Law tit. Leather in the latter end of the first Sect. doth restrain all persons except Tanners to Bargain for, or buy any Hides of Bull, Steer, Oxe Cow, &c. being inconvenient in regard they are many times given in Barter for Skoos, &c.

Hides to be purchased by any

The said Clause in that Law, by the Authority of this Court is hereby Repealed.

**W** Hereas the Laws already made to prevent the Transportation of the Hides of the growth of this Colony, do not reach the End, for want of a full and due Execution;

This Court doth therefore Authorize and appoint the Freemen of every Seaport Town within this Jurisdiction, to Chose a meet and sufficient person from amongst themselves yearly, to whom all persons shall repair who intend the transporting of any Raw or Ruffe Hides, and shall make proof whence such Hides so to be transported came, and that they are not of the growth of, nor killed in this Colony, and shall take a note from the person so Authorized of the number of Hides that he intends to transport, paying one penny to the abovesaid person for every such Hide.

Hides of the Countries growth not to be transported out of the Jurisdiction on penalty &c.

And it is hereby Ordered, That no person shall ship or transport any Hides whatsoever out of this Jurisdiction, without license from the person so Authorized, upon penalty of loosing of such Hides so shipped: nor shall any Master, Purser or any other person belonging to any Ship or Vessel within this Colony, receive on Board any Raw or Ruffe Hides without a Note or Ticket from the person so appointed first appearing, upon the penalty of paying *ten shillings* for every Hide so shipped: And such person Authorized as abovesaid, shall have power by himself or whom he shall appoint, to make search in any Ship or Cask, wherein they suspect any Hides to be Laden contrary to this Order, and shall make seizure thereof, and the penalties and forfeitures above-mentioned shall be the one third to the seizer, one third to the Country, and one third to the Town from whence such Hides are shipt.

And it is further Ordered, that the persons chosen as abovesaid, shall be sworn to a faithful discharge of their duty herein.

## I N D I A N S P O R K.

**W** Hereas the Indians that border upon the English Towns within this Jurisdiction, do frequently sell Pork to the English, and there is ground to suspect that some of the Indians do steal and sell the English mens Swine; For prevention whereof;

This Court doth Order and Enact, That all English men do henceforth mark their Swine with some Ear-mark, or if they neglect the same, it

Order to prevent Indians  
stealing English-  
mens Swine

shall be reckoned as the loss of their propriety in them.

And it is further Ordered; That no Indian within this Jurisdiction shall mark any Swine upon the Ears, and that all Indians who bring Pork unto the English to sell, are required to bring with them the Swines Ears whole, otherwise, or if the ears be marked, it is in the liberty of any person to seize upon such Pork tendred to sell, and the same to be forfeited, the one half to the Seizer, the other half to the poor of the place where it is seized, to be distributed by the Select-men to them:

And it is further Ordered; That this Law be forthwith Printed, Published and Declared to all the Indians within this Jurisdiction in the Indian Language, that they may attend the same; And this Law to take place and commence eight Moneths after publication hereof.

### SCOLDES.

**VV** Hereas there is no express punishment (by any Law hitherto established) affixed to the evil practise of sundry persons by Exorbitancy of the Tongue, in Railing and Scolding;

Punishment for  
Railing or Scolding

It is therefore Ordered; That all such persons convicted before any Court or Magistrate, that hath proper cognizance of the case, shall be Gagged, or set in a Ducking-stool, and dipt over Head and Ears three times in some convenient place of fresh or salt-water, as the Court or Magistrate shall Judge meet.

Resolution of a  
Question as to  
Freight

Whether S shipping Goods upon B to be delivered to R beyond the Sea, the said R paying freight, and the said B upon his arrival at the Port tendring the said Goods to R, and the said R refusing to meddle with the said Goods and to pay freight, whether the said B can recover his freight for the said Goods of the said S, the said Good being left in a safe hand by good advice by the said B, or whether the said B ought not to have satisfied himself for his freight out of the said Goods without molesting the said S? The Court resolves this Question, that S is not liable to pay freight unto B, but B to satisfy himself for the freight out of the Goods.

Where reviews  
are to be tryed.

Whether all Reviews are to be Entred and Prosecuted in that Court where the Action was at first commenced? The Court resolves the Question on the Affirmative.

Whether upon an Action of Review, the Costs of former Courts where the Action hath been tryed, shall be granted for whom Judgement is given? The Court Resolves this on the Negative.

Possession according to Law  
gives title, &c.

Whether the Law *tit. Possessions* intend the confirmation of Land to the Possessor, where the Graunt of the said Land was to another person, and the Possessor nothing to show for the Alienation thereof but his Possession according to that Law? The Court resolves this on the Affirmative.

F I N I S.

